

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Docket No: Q65478
Tatsuo KAKIMOTO, et al.
Appln. No.: 09/918,508 Group Art Unit: 1647
Confirmation No.: 3296 Examiner: Cherie Michelle WOODWARD
Filed: August 01, 2001
For: ANALYSIS OF AGONIST-ACTIVITY AND ANTAGONIST-ACTIVITY TO
CYTOKININ RECEPTOR

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, TSUTOMU INOUE, do hereby declare and state:

THAT Tatsuo Kakimoto, Masayuki Higuchi, and I are the inventors of the subject matter disclosed and claimed in the above-mentioned application;

THAT we are co-authors of *Nature* Vol. 409, 1060-1063 (2001) (a copy of which is attached); and

THAT the present invention was invented prior to October 16, 2000, as evidenced by the date that the manuscript published as *Nature* Vol. 409, 1060-1063 was received by the Journal *Nature* for publication (see page 1063, above references). *Nature* Vol. 409, 1060-1063 shows typical working examples of the present invention (see page 1061, right column, lines 15-36, and page 1062, Figure 4). *Nature* Vol. 409, 1060-1063 shows *CRE1* gene, which is a typical example of a cytokinin receptor gene within scope of the claims. *Nature* Vol. 409, 1060-1063 also shows a yeast strain deficient in the *SLN1* gene (*sln1* Δ mutant) (page 1061, right column, lines 15-26), which is a typical example of "a host cell having a lowered intrinsic histidine kinase activity,

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wherein said intrinsic histidine kinase activity was lowered by the defect in one or more histidine kinase genes". Furthermore, *Nature* Vol. 409, 1060-1063 shows a *sln1* Δ mutant carrying p415CYC-CRE1 (page 1061, right column, lines 26-27), which is a typical example of "a cell transformed with DNA comprising a cytokinin receptor gene, wherein the transformed cell expresses said cytokinin receptor from said DNA, and wherein growth of said transformed cell is controlled by intracellular signal transduction from said cytokinin receptor". Moreover, *Nature* Vol. 409, 1060-1063 shows a method for determining a level of intracellular signal transduction by measuring growth of said transformed cell in presence of examinee substance (page 1061, right column, lines 28-29), and determining a second level of intracellular signal transduction by measuring growth of said transformed cell in absence of said examinee substance (page 1061, right column, lines 26-27). *Nature* Vol. 409, 1060-1063 further shows comparing said level and said second level of intracellular signal transduction from said cytokinin receptor (page 1061, right column, lines 26-36, and page 1062, Figure 4). Thus, *Nature* Vol. 409, 1060-1063 shows typical working examples of the claimed method for determining agonist-activity to a cytokinine receptor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: June 12, 2007 Name: Tsutomu Inoue
TSUTOMU INOUE